IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

SUIT No. 3637 of 1990

New Bank of India ..Plaintiff.

Vs.

M/s M. P. Industries & Ors. ..Defendants.

Mr P. N. Singh i/b Vyas and Bhalwal, Advocate
for the Plaintiff.
Mr S. E. Kazi i/b Purohit & Co., Advocate
for the Defendant Nos. 3 and 5.

CORAM: V.C. DAGA,J.
DATED: 4.12.2007.

P.C.:-

1. By an order dated 28th October, 2007 this Court has declared that the suit is abated against the defendant No.5; since, no steps to substitute the name of the deceased were taken.

2. By way of last chance, plaintiff was permitted to file affidavit of evidence and documents on or before 29.11.2007 failing which suit shall stand dismissed without further reference to the Court for non prosecution, as against the defendant Nos.1,2 and 3. Plaintiff did not take steps to file affidavit of evidence and/or documents. Since the order dated 29.10.2007 is self-operative, this suit will have to be treated as disposed of. Accordingly, suit is treated as disposed of with no order as to costs.

(V.C. DAGA,J)